

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JOSE J. ABUNDEZ,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:15CV62
	)	
FRANK PERRY,	)	
Secretary of Public Safety,	)	
	)	
Respondent.	)	

**ORDER**

On May 18, 2015, the United States Magistrate Judge's Recommendation was filed and notice was served on Petitioner pursuant to 28 U.S.C. § 636. Petitioner filed objections (Doc. 5) to the Recommendation within the time limit prescribed by Section 636 and, as part of those objections, has requested appointment of counsel.

The court has reviewed Petitioner's objections de novo and finds they do not change the substance of the United States Magistrate Judge's Recommendation (Doc. 3), which is affirmed and adopted. Moreover, the court finds no basis for the appointment of counsel.

IT IS THEREFORE ORDERED that, to the extent Petitioner requests appointment of counsel, that request is DENIED.

IT IS FURTHER ORDERED that this action is filed, but then dismissed *sua sponte* without prejudice to Petitioner filing a new petition which corrects the defects of the current Petition.

Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is DENIED.

/s/ Thomas D. Schroeder  
United States District Judge

June 22, 2015